

SALTZMAN MUGAN DUSHOFF PLLC

1835 Village Center Circle
Las Vegas, Nevada 89134
Tel: (702) 405-8500 / Fax: (702) 405-8501

MATTHEW T. DUSHOFF, ESQ.
Nevada Bar No. 004975

WILLIAM A. GONZALES, ESQ.
Nevada Bar No. 015230

SALTZMAN MUGAN DUSHOFF

1835 Village Center Circle

Las Vegas, Nevada 89134

Telephone: (702) 405-8500

Facsimile: (702) 405-8501

E-Mail: mdushoff@nvbusinesslaw.com

wgonzales@nvbusinesslaw.com

*Counsel for Defendants and Nominal
Defendant*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

* * *

JENNIFER HAMMOND AND DANA
HEPWORTH, Derivatively on Behalf of
CELSIUS HOLDINGS, INC.,

Plaintiff,

v.

JOHN FIELDLY, NICHOLAS CASTALDO,
CAROLINE LEVY, HAL KRAVITZ,
ALEXANDRE RUBERTI, CHERYL MILLER,
DAMON DESANTIS, JOYCE RUSSELL,
JAMES LEE, AND EDWIN NEGRON-
CARBALLO,

Defendants,

and

CELSIUS HOLDINGS, INC.,

Nominal Defendant.

Case No. 2:24-cv-00711

**JOINT STIPULATION REGARDING
EXTENSION OF DEFENDANTS
AND NOMINAL DEFENDANT'S
TIME TO RESPOND TO
PLAINTIFFS' COMPLAINT**

(First Request)

WHEREAS, Plaintiffs Jennifer Hammond and Dana Hepworth ("Plaintiffs") commenced the Derivative Litigation on April 11, 2024, upon the filing of a Verified Stockholder Derivative Complaint (the "Complaint"), asserting claims against Defendants John Fieldly, Nicholas Castaldo, Caroline Levy, Hal Kravitz, Alexandre Ruberti, Cheryl Miller, Damon DeSantis, Joyce Russell, James Lee, and Edwin Negron-Carballo (the "Individual Defendants") for breach of

1 fiduciary duty, for aiding and abetting breach of fiduciary duty, for unjust enrichment, for waste
2 of corporate assets, and for securities fraud under Section 10(b) of the Securities Exchange Act of
3 1934 and Rule 10b-5 promulgated thereunder; and a claim for breach of fiduciary duty (*Brophy*)
4 against Defendant John Fieldly;

5 **WHEREAS**, on April 12, 2024, Plaintiffs, through their counsel, sent Waivers of the
6 Service of Summons (the “Waivers of Service”) to Individual Defendants and Nominal Defendant
7 Celsius Holdings, Inc. (“Celsius,” and, collectively, with the Individual Defendants, “Defendants,”
8 and, together, with Plaintiffs, the “Parties”);

9 **WHEREAS**, Defendants executed and returned to Plaintiffs’ counsel the Waivers of
10 Service, which, pursuant to Federal Rules of Civil Procedure 4 and 12, set a June 11, 2024, deadline
11 for Defendants to move against, answer, or otherwise respond to the Complaint;

12 **WHEREAS**, the Complaint alleges facts and asserts claims that are also at issue in two other
13 pending derivative actions, filed prior to the commencement of the Derivative Litigation, styled,
14 respectively, *Doreen R. Lampert v. John Fieldly, et al.*, Case No. 3:23-cv-00017-ART-CSD (D. Nev.)
15 and *Ingrao v. John Fieldly, et al.*, Case No. A-23-873736-C Dept. 6 (Clark Cnty., Nev.)
16 (collectively, the “Derivative Actions”);

17 **WHEREAS**, the Parties are in active negotiations regarding the potential settlement of the
18 Derivative Actions, which would ensure economy of time and effort for the Court, for counsel,
19 and for the Parties;

20 **WHEREAS**, the Parties have agreed that the Individual Defendants and Celsius’s time to
21 respond to the Complaint be extended sixty (60) days to August 10, 2024.

22 **NOW, THEREFORE**, the Parties hereby stipulate and agree, and respectfully request that
23 the Court enter an order, as follows:

24 //

25 //

26 //

27 //

28 //

1. Defendants must file their responsive pleading by August 10, 2024.

DATED this 11th day of June 2024.

Respectfully submitted:

ALDRICH LAW FIRM, LTD.

SALTZMAN MUGAN DUSHOFF

By /s/ John P. Aldrich

JOHN P. ALDRICH, ESQ.
Nevada Bar No. 6877
CATHERINE HERNANDEZ, ESQ.
Nevada Bar No. 8410
7866 West Sahara Avenue
Las Vegas, Nevada 89117

By /s/ Matthew T. Dushoff, Esq.

MATTHEW T. DUSHOFF, ESQ.
Nevada Bar No. 004975
WILLIAM A. GONZALES, ESQ.
Nevada Bar No. 015230
1835 Village Center Circle
Las Vegas, Nevada 89134

RIGRODSKY LAW, P.A.

SETH D. RIGRODSKY
TIMOTHY J. MACFALL
825 East Gate Blvd., Suite 300
Garden City, Ny 11530

ALSTON & BIRD

JOSEPH G. TULLY, *Admitted pro hac vice*
OYINKANSOLA Y. MURAINA, *Admitted pro hac vice*
1201 West Peachtree Street, Suite 4900
Atlanta, Georgia 30309-3424

GRABAR LAW OFFICE

JOSHUA H. GRABAR
One Liberty Place
1650 Market Street, Suite 3600
Philadelphia, Pa 19103

Counsel for Defendants and Nominal Defendant

Attorneys for Plaintiffs

ORDER

IT IS SO ORDERED.

Dated: June 12, 2024



United States Magistrate Judge

Jennifer Hammond, etc. v. John Fieldly, et al./Case No. 2:24-cv-00711

Joint Stipulation Regarding Extension of Defendants and Nominal Defendant's Time to Respond to Plaintiffs' Complaint (First Request)